

GREEN MATTERS

A newsletter from the Alberta Environmentally Sustainable Agriculture Council

From AESA
Council's Chair

*by John Kolk,
Poultry Industry Council*

Common Sense Compliance & Excellence



photo: Laurel Murphy

"Good fences make good neighbours." Back in 1971, I spent part of the summer fixing fences with my uncle on some land we were putting back into pasture. The fences and the land had been neglected for many years because the previous owner had row

cropped the land and not left winter cover. Because the soil was sandy, the original fence had been covered up by six feet of topsoil, and a second fence had been built on top of the property line. We had to take down the barbed wire and pull the posts, then grade out the soil and pick up the rest of the wire and whatever pieces of cedar post remained.

Because we were putting cattle on the land, common sense said we had to fix the fences. I also found out there are rules that govern who is responsible for upkeep of a fence and an owner's responsibility for the livestock he runs. At twelve years of age, it was my first introduction to farming and the law. The law was based on common sense, and it helped reduce conflicts between neighbours.

Private property, other people's rights, the need to protect the common areas we all value, and historical precedent all combine to influence laws for the farm community. As the demands on our land, water, air and biodiversity continue to increase, the resulting conflicts will drive new laws that impact our operations.

The farm community needs to keep doing a good job environmentally because it is the right thing to do for our families, our communities and our environment. We also need to do the right thing because one severe problem on a farm can drive the creation of excessive regulations that affect every farmer. As regulators in Europe and other places have found, the cost of enforcing too many laws is very high for the farmer, the regulator and society. And it creates a culture of trying to beat the system.

The Alberta Environmental Farm Plan is providing tools for farmers to go beyond complying with the regulations to excellence in stewardship. This approach is a low-cost, high environmental reward road whose time has come. It builds on our culture of taking pride in producing high quality food in a healthy landscape, and doing it in on our own terms.

WHAT'S INSIDE

Fine-tuning AOPA

Increasing Awareness about
Regulations

Answers on Environmental Law
— for Free!

Council Profiles: Gerry Pittman
& Bob Nelson

The Science of Sustainability -
A Fuller Perspective

Fine-tuning AOPA

With about 18 months under its belt, the amended Agricultural Operation Practices Act (AOPA) is having a tune-up. "Feedback from the agriculture industry and the public on the legislation has been generally positive," explains Louise Starling of Alberta Agriculture, Food and Rural Development. "However, all along our minister, the Honourable Shirley McClellan, has said she would do a review of the legislation after experience was gained with it, and if changes are needed, she would make them. So we are conducting a targeted review this year."

"...producers are very
willing to fix any problems
they become aware of."

The initial amendments to AOPA, which came into force on January 1, 2002, enhance Alberta's ability to deal with nuisance, such as odour or dust, from an agricultural operation. They also provide producers and other stakeholders with a one-window process for the siting of new or expanding confined feeding operations. The legislation includes manure management standards for all agricultural operations, and monitoring and enforcement of province-wide standards.

The current review was launched on May 30 "to ensure that this legislation meets the needs of the industry and the public because the legislation is about growing the industry and protecting our soil, air and water," says Starling.

She notes, "The review focuses on technical changes that may need to be made to the legislation as a result of the experience we've gained. It addresses specific provisions but does not open the entire Act for review."

Leduc MLA Albert Klapstein is chairing the review in cooperation with Alberta Agriculture, the Natural Resources Conservation Board (NRCB) and Alberta Sustainable Resource Development. Alberta Agriculture is

responsible for creating and amending the legislation, and the NRCB is the regulatory body that administers the legislation.

To collect input, a discussion paper and questionnaire were mailed to key stakeholders and posted on Alberta Agriculture's website, with a July 31 deadline for submission of completed questionnaires. Some further consultations may be held in August and September, as necessary. It is expected that any changes to the legislation will be made in 2004.

NRCB Board member Jim Turner says, "The NRCB's role in the review is to clarify how any proposed changes would impact our day-to-day operations."

Turner, a past chairman of the Alberta Cattle Commission, notes, "The goal of this legislation is sustainable agriculture, which I



photo: AgriTech Centre/AAFRD

think is quite laudable. And from talking to our compliance officers..., producers are very willing to fix any problems they become aware of." He adds, "I think the biggest thing is industry and public awareness of the Act's requirements."

One producer's experience

When the NRCB took on its new mandate under AOPA, it worked to create a consistent and credible process for approval of new and expanding confined feeding operations (CFOs). For Shawn Morton, the NRCB process proved to be fairly positive.

Morton initially prepared his proposal to develop a weaner nursery barn near Lacombe when municipalities had responsibility for siting of CFOs in Alberta. Over about a year and a half, his proposal went through a series of approvals and appeals. He says, "[The municipal process] took a lot of my time, and it wasn't productive. And I think if you went to neighbours who were opposed to my development that you'd probably get the same answer."

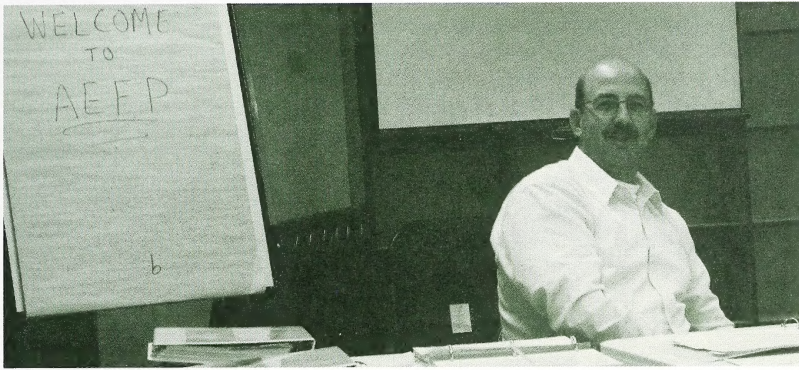
When the amendments to AOPA were passed, Morton submitted his proposal to the NRCB. Although Morton has heard about producers who have had difficulties

with the NRCB process, for him it was more straightforward than the municipal approach. If a proposal meets a set of very detailed technical requirements then the NRCB will approve it. He says, "Probably the most positive aspect was that it's all based on science. They've taken the emotion and the politics out of it."

A by-product of going through the NRCB process was some help in resolving the conflict with the neighbours who opposed his development. During the process, the neighbours appealed his water licence. He says, "We then had the option of mediation or a full-blown hearing in front of the Environmental Appeal Board. So we went to mediation.... That was fairly constructive and fair for everybody. The results weren't what I wanted, and they probably weren't what the neighbours wanted. But I think that helped things, and there haven't been any complaints since then."

Raising Regulatory Awareness — and Much More

photo: Darren Krause/Vulcan Advocate



Pasolli facilitating an EFP workshop

One way to learn about environmental laws is through the Environmental Farm Plan (EFP) program. But the program doesn't hit you over the head with 'legal-speak.' Instead, it's a little like becoming aware of the regulations by osmosis while you focus on options to improve your farm or ranch.

The EFP program offers a voluntary, confidential, self-assessment process to help agricultural producers identify and address the environmental strengths and risks in their own operations. The process involves two workshops and a workbook with easy-to-use worksheets for evaluating every aspect of an agricultural operation.

Alan Pasolli, a grain farmer in the Champion area, is one of the EFP workshop facilitators. He says, "I see this program as a good opportunity for farmers to do an environmental assessment of their farms and show the public — and our customers — that we're already doing some pretty good stuff on our farms. And if we do find something that needs to be changed, we're going to change it to make it right."

In terms of the EFP's environmental law aspect, Pasolli says, "[The workbook] makes you more aware of the laws and regulations that we should be following. There's not a real emphasis on the law, but as you do your assessment, you get a pretty good idea of what you should and shouldn't be doing."

Awareness of the regulations is built into the workbook, notes Therese Tompkins. She is the

Program Manager for the Alberta Environmental Farm Plan (AEFP), the non-profit company that delivers the program.

Tompkins explains that each worksheet includes a checklist of practices divided into four categories. If an item in the worksheet is governed by regulations, then the practices in categories 1, 2 and 3 meet or exceed regulatory requirements. As well, the worksheet identifies any legislation relating to its topic and provides sources for more information, so farmers can find ways to address any high risk practices. "So, in a sense, the whole workbook is about exceeding the regulatory requirements," she says.

Pasolli emphasizes that the program does not tell farmers what to do. "I don't work for Alberta Environment or anything like that. I'm just a regular farmer. And when it comes to the regulations, I'm certainly not qualified to tell guys how to do things." In the EFP process, the producer designs his own plan and decides how to implement it, setting his own priorities and determining the timelines.

If you do want more information on environmental law considerations, the AEFP is creating some tools to help you. For example, the AEFP and the Alberta Environmentally Sustainable Agriculture (AESAs) Council sponsored two seminars on environmental law last year, and Tompkins recently developed a factsheet on what to do if you release a potentially harmful substance into the

environment. She says, "Through the EFP evaluation process, we're constantly learning about what we can do to complement and build on the workshops and workbook."

Although the EFP provides information on environmental laws, producers are more often motivated to participate in the program for other reasons. These include sustaining farm productivity, managing risks, maintaining a healthy landscape, reducing farm inputs, maintaining market access and improving farm safety.

Says Pasolli, "Based on my own EFP, I've changed a few things already on my farm, and I've got some other things I want to do. None of them really cost too much, and some of them don't cost anything — just little fixes to make things a little better. It's a neat little program that we can do on our farms to improve things and enhance public perception."

For more information, contact

Therese Tompkins by phone at 780-436-2339 or 1-866-844-2337 (toll-free) or email at <Tompkins@AlbertaEFP.com>.

Legal Liability

If a person is not complying with the law, he is legally responsible whether he knows of the contravention or not. If he discovers that he may be in contravention of environmental regulations, he should take steps to stop the problem from occurring, and contact his lawyer.

The Environmental Farm Plan is an awareness and educational tool; it is **not** a means of assessing legal compliance or liability. If a person discovers during the EFP process that he may be in non-compliance, neither he nor the AEFP is compelled to report the non-compliance. However, he is liable for the contravention itself.

Objective Answers on Environmental Law for Free!

Have a question about environmental law? The Environmental Law Centre (ELC) can help you!

This registered charitable organization provides various services related to environmental law and policy to governments, industry, environmental organizations and the public across Canada. One key service is to provide information to the public on issues in environmental law.

This service has two important elements: it's objective and it's free, notes Dolores Noga, the ELC's Information Services Coordinator. She explains, "The Centre is not a proponent for government or industry; it seeks to ensure that everyone, including the public, has access to fair and objective information.... The fact that we're able to deliver the service free of charge is also important, because many of the people who are dealing with these issues are doing it on their own time, with their own money and resources."

"The Centre ...seeks to ensure that everyone, including the public, has access to fair and objective information."

When people contact the Edmonton-based ELC with a question about environmental law, Noga is the first person they speak to. She fields about 35 to 40 questions a month from the public. The questions arrive by phone, email or letter, and cover a broad spectrum of issues and concerns.

Noga says, "When we answer their question, we usually state where it fits in environmental law, including which act is involved and which government department is responsible for administering it. If there's someone in the government that they should be phoning, we'll give the name and phone number. We may also give them a list of print resources or links to

Internet sites that will help shed light on the question." If the person requires still more information, one of the ELC's lawyers may be contacted for a free consultation.

The print resources may include items from the ELC's library, which is accessible to the public. Noga, who also oversees the library, says the collection is especially valuable because "we catalogue practically everything that we're able to get our hands on, all in one database." The catalogue even includes such items as court decisions, decisions of administrative bodies like the Environmental Appeal Board of Alberta, conference papers, journal articles, and news releases.

The ELC also provides a lawyer referral service. Noga says, "Sometimes when people contact the Centre, it becomes clear to us that they need legal representation. Although we can provide information, we can't actually act on anyone's behalf. So we keep a database of lawyers specializing in environmental law." They usually provide the names of three lawyers so the person can choose whom to contact.

The ELC's legal staff will also provide seminars to groups on a fee-for-service basis. For example, if a municipal council wants to learn more about the environmental law aspects of a new proposal or if some people want to form an environmental community group, a staff member can come and speak to them.

For more information on the ELC's services, visit www.elc.ab.ca. If you have a question, you can phone 780-424-5099 or 1-800-661-4238 (toll-free), send an email to elc@elc.ab.ca, or write to the ELC at 204, 10709 Jasper Avenue, Edmonton, Alberta T5J 3N3.

Environmental laws & agriculture

Keeping up to date on legal requirements related to your agricultural operation may not be your favourite task. Fortunately, there are ways to make the task easier.

Various acts relate to the environmental aspects of agricultural operations. Some of the key Alberta acts are: Agricultural Operation Practices Act, Environmental Protection and Enhancement Act, Soil Conservation Act, Water Act, Weed Control Act, Agricultural Pests Act, and Livestock Diseases Act. Some of the key federal acts are: Fisheries Act and Pest Control Products Act.

To learn more about these acts, you could:

- participate in the Environmental Farm Plan program (see "Raising Regulatory Awareness — and Much More").
- contact the Environmental Law Centre for more information about the acts and regulations or to request a seminar for your group (see above article).
- refer to the legislation chapter in one of the Beneficial Management Practices manuals. This series of manuals is being developed jointly by the agricultural industry and Alberta Agriculture, Food and Rural Development. The first two in the series, the hog and feedlot cattle manuals, are available from Alberta Agriculture (www1.agric.gov.ab.ca).



Environmental Law Centre's Library

Gerry Pittman

If you're wondering why Gerry Pittman has been a member of the Alberta Fish and Game Association (AFGA) since 1951, his answer is simple. "I live to hunt and fish. It doesn't take a rocket scientist to figure out that if you want to enjoy the pursuit of hunting and fishing and follow that heritage, then you're going to have to preserve that. Fish and Game's strong voice of conservation has kept me in it and kept me a supporter."

AFGA, one of Alberta's oldest and largest conservation organizations, is involved in many stewardship activities. From Pittman's perspective, "the pivotal part of the whole association is our habitat program. It has several facets. One is the Parkland Stewardship Program, an on-farm extension service to improve farm



photo: Roger Bryan/AARFD

production while promoting environmental stewardship. Another facet is Operation Grassland Community. It works with landowners to protect and enhance habitat for the burrowing owl and other endangered species on the native prairie."

"If you put one species in jeopardy, it has a domino effect on many others."

Pittman grew up on a farm near Warner and spent over 30 years farming near Barons. His career also includes working for the Alberta Wheat Pool and the Agriculture Financial Services Corporation (AFSC). He retired from AFSC this past spring. Over the years, Pittman has held many leadership positions in AFGA. In addition, he has been a member and leader in other wildlife agencies including the Canadian Wildlife Federation and the Alberta Conservation Association.

He sees close ties between sustainable agriculture and wildlife. "For instance, most of the wildlife in Alberta lives on agricultural lands. If you have stewardship that promotes the diversity and well being of wildlife then it will certainly promote the well being of everything else. Every species, from the grasshopper to the grizzly bear, depends upon other species. If you put one species in jeopardy, it has a domino effect on many others."

Pittman is excited about his recent appointment as the AFGA representative on AESA Council. "We both promote environmentally sustainable agriculture. The aims are so similar that it's amazing!" He's looking forward to working together on "practices that protect the environment while maintaining the financial viability of the farmer. For instance, if pesticides and herbicides and animal wastes can create a potential risk to the environment, then we — AESA Council, Fish and Game, and everybody — must find effective and affordable alternatives."

Bob Nelson

For Bob Nelson, AESA Council's most important role is "getting and keeping good environmental stewardship going in agriculture, and keeping the environment in a healthy condition. Council is a broad-based committee that is very involved in environmental issues."

Nelson has been a Council member for four years. Until this spring, he represented the Alberta Forage Council, a body of forage associations from across Alberta. In April, the Forage Council was dissolved, and the forage associations amalgamated with Alberta's applied research associations to form the Agricultural Research and Extension Council of Alberta (ARECA). Nelson says ARECA is "a provincial association representing non-profit producer groups that are dedicated to enhancing the sustainability and profitability of agriculture in Alberta."

Nelson now represents ARECA on AESA Council. He notes, "The applied research associations were not represented on Council before. With the amalgamation of these two producer-run organizations, membership on Council is even more pertinent. ARECA represents a much broader perspective on cropping and soil concerns."

He explains, "The forage associations focus on applied research and extension related to all forages, with emphasis on sustainable hay and pasture production. The applied research associations conduct applied research and extension in all areas of cereal, oilseed and pulse production from varieties, fertility, soil and water conservation to weed control. Many of the issues they look at include environmental aspects."

"With the amalgamation of these two producer-run organizations, membership on Council is even more pertinent."

Nelson brings a wealth of experience to AESA Council. He grew up on a mixed farm and received a BSc and an MSc in Agriculture from the University of Alberta. Then he worked for Alberta Agriculture as a Crop Specialist, the Supervisor of Cereal Crops, and the Head of the Cereal, Oilseed and Forage Section. Before he retired, he was Leader of the Forage Unit and Chair of the Western Forage/Beef Group.



photo: Roger Bryan/AARFD

On AESA Council, Nelson was recently Chair of the Environmental Goods and Services Task Team.

The team completed its task by creating "a rough road map for AESA Council to look at how to implement environmental goods and services in a meaningful way for the producers and the public, and in cooperation with governments and other sectors," says Nelson. With producers and society alike depending on healthy landscapes, AESA Council's role is vital.

The Science of Sustainability

A Fuller Perspective



ESA Science Plan for Focused, Effective Research

Among the diverse and complex research areas related to environmental stewardship in agriculture, how do you decide which particular aspects to focus on? That's a tough question, but you can answer it by developing a science plan.

A science plan is a set of research priorities for a given area of interest. It can provide a solid foundation for targeted, coordinated research efforts. Without coordination, the wide range of research activities related to environmentally sustainable agriculture (ESA) could result in a "hit-or-miss approach" to advancing knowledge and technology.

As Chair of Environmentally Sustainable Agriculture at the University of Alberta, one of my current tasks is to develop an ESA Science Plan for Alberta. AESA Council recommended the creation of this plan as a tool to provide direction for ESA research. Funds provided by AESA Council for development of the Science Plan have been used to hire a research assistant, Denise Harmon, to work with me in preparing the plan.

Determining research priorities may sound simple. In fact, it involves much compiling, reviewing and summarizing of scientific knowledge, as well as identifying knowledge gaps and prioritizing research needs based on those gaps. In essence, the ESA Science Plan is assessing what is known about environmental issues in agriculture and what remains to be learned. That's quite a challenge!

Since taking on this task last year, we've completed several important steps. We have developed a framework for the plan, defining its scope, the level of detail required, and so on. We have prepared and conducted a stakeholder survey to assist us in "issues scoping" to

identify which issues are relevant to ESA in Alberta. We have reviewed and summarized the state of scientific knowledge for the following issues: nutrient management; pesticide use; genetically modified organisms (GMOs); energy use; and wetland management. And we have identified the main knowledge gaps for these five issues.

"...[the] plan is assessing what is known about environmental issues in agriculture and what remains to be learned."

Our ongoing and upcoming ESA Science Plan activities include:

- Continue the review of issues developed from stakeholder survey;
- Continue to develop the state-of-knowledge reports and identify key knowledge gaps;
- Develop criteria for prioritization of knowledge gaps;
- Consult with scientists and other stakeholders to evaluate knowledge gap priorities;
- Prioritize knowledge gaps and develop research priority recommendations; and
- Finalize the Science Plan.

Creating the ESA Science Plan is truly a daunting task; however, slowly but surely the plan is taking shape. At the end of the day, I believe it will provide a means whereby ESA research in Alberta can become more focused and effective.



Dr. Les Fuller, P.Ag.
Chair, Environmentally Sustainable Agriculture
University of Alberta

Green Matters, Issue No. 16, Summer 2003

©AESA Council, 2003

Green Matters is the newsletter of the Alberta Environmentally Sustainable Agriculture (AESA) Council. AESA Council consists of 29 representatives from Alberta's agriculture and food processing industry, environmental organizations and government. Its mandate is to: identify and evaluate environmental issues facing Alberta's agriculture and food processing industry; encourage the industry to proactively address these issues; advise the Alberta Minister of Agriculture, Food and Rural Development on these issues; and direct the AESA Program.

The purpose of *Green Matters* is to provide a forum for discussion of environmental issues in Alberta's agriculture and food processing industry.

To subscribe to *Green Matters*, call 780-422-4385.

Editorial Board: John Kolk, Bruce Beattie, Terry Rachuk
Editor: Roger Bryan
Contributors: Carolyn King, John Kolk, Les Fuller
Design and Typesetting: P40 Visual Communications



Alberta Environmentally Sustainable Agriculture Program